

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS, et al.,)	
)	
Plaintiffs,)	
v.)	No. 2:20-cv-02600-SHL-tmp
)	
VARSITY BRANDS, LLC, et al.,)	
)	
Defendants.)	

JESSICA JONES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 2:20-cv-02892-SHL-tmp
)	
BAIN CAPITAL PRIVATE EQUITY, et al.,)	
)	
Defendants.)	

**ORDER GRANTING PARTIES' JOINT MOTION TO WITHDRAW PRIOR
MOTION TO AMEND SCHEDULING ORDERS AND JOINT MOTION FOR ENTRY
OF AGREED AMENDMENT TO SCHEDULING ORDERS**

Before the Court is the Parties' Joint Motion to Withdraw Prior Motion to Amend Scheduling Orders and Joint Motion for Entry of Agreed Amendment to Scheduling Orders, (ECF No. 254¹), filed May 9, 2022. The Parties state that, in light of their agreement to move for entry of new expert discovery deadlines to replace those deadlines set forth in the Court's December 16, 2021 Amended Scheduling Order, (ECF No. 177), they seek to withdraw Plaintiffs' prior motion seeking to amend those deadlines. All Plaintiffs and Defendants in the above-captioned cases join in this Motion.

¹ The Court will reference the ECF numbers for docket entries from Fusion Elite All Stars, et al., v. Varsity Brands, LLC, et al., No. 2:20-cv-02600-SHL-tmp, throughout this Order. The Parties' Joint Motion is also located on the docket of the Jessica Jones v. Bain Capital Private Equity, et al., No. 2:20-cv-02892-SHL-tmp matter.

In support, the Parties explain that, after Plaintiffs moved to amend the current deadlines for expert discovery (ECF No. 251), counsel for Plaintiffs and Defendants continued to discuss proposed dates. Those discussions resulted in a joint proposal to extend the expert discovery deadlines by approximately one month:

Deadline	Current Date	Proposed Compromise
Opening Expert Reports	May 18, 2022	June 20, 2022
Opposing Expert Reports	July 13, 2022	August 26, 2022
Rebuttal Expert Reports	September 12, 2022	October 21, 2022
Expert Witness Depositions	October 12, 2022	November 11, 2022

(ECF No. 254 at PageID 4716.) According to the Parties, these new deadlines do not affect the remainder of the dates in the Amended Scheduling Order. (Id.)

Moreover, the Parties argue that their revised dates “are supported by extraordinary circumstances and by the parties’ professional courtesy in working together to reach agreement.” (Id.) According to them, Plaintiffs’ need for additional time to incorporate documentary and deposition evidence into their reports and analyses, the Court’s allowance of depositions and certain document production after the close of fact discovery on April 18, 2022, (see, e.g., ECF Nos. 243, 250), and both Parties’ willingness to accommodate the others’ needs led to this joint proposal. (Id. at PageID 4716-17.)

A scheduling order “may be modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). In light of the relief requested and the Parties’ cooperation in developing these proposed dates, the Court finds cause to extend these deadlines within the Amended Scheduling Order. The Court therefore **GRANTS** the Motion, and **DENIES** Plaintiffs’ previous Joint Motion to Modify Expert Discovery Deadlines, (ECF No. 251), as **MOOT**. The new deadlines for expert discovery are as followed:

DEADLINE TO SERVE EXPERT REPORTS ON ALL ISSUES FOR WHICH A PARTY BEARS THE BURDEN OF PROOF: June 20, 2022

DEADLINE TO SERVE OPPOSING EXPERT REPORTS: August 26, 2022

DEADLINE TO SERVE EXPERT REBUTTAL REPORTS: October 21, 2022

DEADLINE FOR EXPERT WITNESS DEPOSITIONS²: November 11, 2022

IT IS SO ORDERED, this 10th day of May, 2022.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN

UNITED STATES DISTRICT JUDGE

² Absent agreement of the Parties, each expert is subject to a maximum of one deposition lasting no more than seven hours.